

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTIETH LEGISLATURE

**TWENTY-THIRD LEGISLATIVE DAY
TUESDAY, FEBRUARY 2, 2010**

Senate Chamber

President Little called the Senate to order at 2:30 p.m.

Roll call showed all members present except Senator Corder, absent and formally excused by the Chair; and President Pro Tempore Geddes and Senators Andreason, Cameron, Darrington, Fulcher, Hill, Keough, Lodge, Mortimer, and Winder, absent and excused.

Prayer was offered by Chaplain Montie Ralstin.

The Pledge of Allegiance was led by Haley Egan, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 1, 2010, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

President Pro Tempore Geddes and Senators Andreason, Cameron, Fulcher, Hill, Keough, Lodge, Mortimer, and Winder were recorded present at this order of business.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

February 1, 2010

The HEALTH AND WELFARE Committee reports out [SCR 113](#) with the recommendation that it do pass.

LODGE, Chairman

[SCR 113](#) was filed for second reading.

February 1, 2010

The JUDICIARY AND RULES Committee reports out [S 1287](#) with the recommendation that it do pass.

DARRINGTON, Chairman

[S 1287](#) was filed for second reading.

February 1, 2010

The JUDICIARY AND RULES Committee reports it has had under consideration the Gubernatorial appointment listed

below and the Committee recommends that said appointment be confirmed by the Senate:

Thomas J. Hearn to the Sexual Offender Classification Board, term to expire January 1, 2014.

DARRINGTON, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 2, 2010

The RESOURCES AND ENVIRONMENT Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Anthony R. "Tony" McDermott to the Idaho Fish and Game Commission, term to expire June 30, 2013.

SCHROEDER, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 1, 2010

The JUDICIARY AND RULES Committee reports it has had under consideration the Board of Commissioners of the Idaho State Bar appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Steven A. Tuft to the Idaho Judicial Council, term to expire June 30, 2015.

DARRINGTON, Chairman

The Idaho State Bar appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 1, 2010

The FINANCE Committee reports out [H 418](#) and [S 1302](#) with the recommendation that they do pass.

CAMERON, Chairman

[H 418](#) and [S 1302](#) were filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

S 1304

BY EDUCATION COMMITTEE

AN ACT

RELATING TO PUBLIC CHARTER SCHOOLS; AMENDING SECTION 33-5209, IDAHO CODE, TO PROVIDE THAT IF THE AUTHORIZED CHARTERING ENTITY HAS REASON TO BELIEVE THAT A PUBLIC CHARTER SCHOOL HAS MADE OR CAUSED TO BE MADE ANY FALSE, FRAUDULENT OR FORGED STATEMENT OR REPRESENTATION IN PROCURING OR ATTEMPTING TO PROCURE A CHARTER, THE AUTHORIZED CHARTERING ENTITY SHALL PROVIDE SUCH PUBLIC CHARTER SCHOOL WRITTEN NOTICE OF SUCH DEFECT AND

PROVIDE A REASONABLE OPPORTUNITY TO CURE SUCH DEFECT.

S 1305
BY EDUCATION COMMITTEE
AN ACT

RELATING TO BOARDS OF TRUSTEES AND ANNEXATION OF TERRITORY; AMENDING SECTION 33-308, IDAHO CODE, AS AMENDED BY SECTION 24, CHAPTER 341, LAWS OF 2009, TO PROVIDE REQUIREMENTS RELATING TO LEGAL DESCRIPTIONS OF CERTAIN REAL PROPERTY AND TO CORRECT A CODIFIER'S ERROR; AND PROVIDING AN EFFECTIVE DATE.

S 1306
BY EDUCATION COMMITTEE
AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-601, IDAHO CODE, AS AMENDED BY SECTION 44, CHAPTER 341, LAWS OF 2009, TO REVISE PROVISIONS RELATING TO THE SEALED BID OR PUBLIC AUCTION PROCESS FOR CERTAIN REAL PROPERTY, TO PROVIDE THAT IF THE BOARD OF TRUSTEES FINDS IT IS IN THE SCHOOL DISTRICT'S BEST INTERESTS TO TRADE PERSONAL PROPERTY TO A PERSON OR ENTITY FOR LIKE KIND PERSONAL PROPERTY, THE BOARD MAY VOTE TO ELECT TO DO SO AND THE BOARD MAY ELECT TO ABSTAIN FROM AN APPRAISAL OF THE PERSONAL PROPERTY IN CERTAIN INSTANCES AND TO MAKE TECHNICAL CORRECTIONS; AND PROVIDING AN EFFECTIVE DATE.

S 1307
BY FINANCE COMMITTEE
AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF SELF-GOVERNING AGENCIES FOR THE BOARD OF ENGINEERS AND LAND SURVEYORS UNDER THE REGULATORY BOARDS FOR FISCAL YEAR 2010; AND DECLARING AN EMERGENCY.

S 1308
BY JUDICIARY AND RULES COMMITTEE
AN ACT

RELATING TO DISPOSITION OF REMAINS; AMENDING SECTION 54-1142, IDAHO CODE, TO PROVIDE THAT IN THE ABSENCE OF A PREARRANGED FUNERAL PLAN OR CERTAIN PROVISIONS IN SUCH PLAN, THAT DISPOSITION OF THE REMAINS OF A DECEDENT MAY VEST IN THE PERSON DESIGNATED BY THE DECEDENT IN A DD FORM 93, IF THE DECEDENT DIED WHILE SERVING IN MILITARY SERVICE IN ANY BRANCH OF THE UNITED STATES ARMED FORCES, UNITED STATES RESERVE FORCES OR NATIONAL GUARD.

S 1309
BY JUDICIARY AND RULES COMMITTEE
AN ACT

RELATING TO DE FACTO CUSTODIANS; AMENDING TITLE 32, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 17, TITLE 32, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO PROVIDE A PURPOSE, TO PROVIDE FOR DE FACTO CUSTODIANS, TO PROVIDE FOR PETITIONS FOR CUSTODY AND MOTIONS TO INTERVENE BY PERSONS SEEKING DETERMINATIONS

THAT THEY ARE DE FACTO CUSTODIANS, TO PROVIDE FOR NOTICE, TO REQUIRE STIPULATED FACTS OR FINDINGS OF FACT THAT A PERSON IS A DE FACTO CUSTODIAN, TO PROVIDE CERTAIN EVIDENTIARY STANDARDS, TO PROVIDE FOR THE APPLICATION OF SPECIFIED STANDARDS AND CONSIDERATIONS RELATING TO A DETERMINATION OF THE BEST INTERESTS OF THE CHILD, TO PROVIDE FOR DE FACTO CUSTODIAN ORDERS, TO PROVIDE FOR ACCESS TO CERTAIN RECORDS AND TO PROVIDE FOR TERMINATION OF CUSTODY ORDERS; AMENDING SECTION 15-5-207, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE APPOINTMENT OF GUARDIANS OF MINORS, TO PROVIDE THAT DE FACTO CUSTODIANS MAY INITIATE PROCEEDINGS FOR THE APPOINTMENT OF A GUARDIAN, TO REVISE PROVISIONS RELATING TO NOTICE AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 15-5-213, IDAHO CODE, TO REVISE A DEFINITION OF "DE FACTO CUSTODIAN" AND TO REVISE PROVISIONS RELATING TO THE RECOGNITION OF DE FACTO CUSTODIANS RELATING TO STANDING IN CERTAIN PROCEEDINGS.

S 1310
BY HEALTH AND WELFARE COMMITTEE
AN ACT

RELATING TO PERSONAL ASSISTANCE SERVICES; AMENDING SECTION 39-5601, IDAHO CODE, TO REVISE LEGISLATIVE INTENT; AMENDING SECTION 39-5602, IDAHO CODE, TO REVISE DEFINITIONS; AMENDING SECTION 39-5603, IDAHO CODE, TO REVISE TERMINOLOGY; AND AMENDING SECTION 39-5606, IDAHO CODE, TO PROVIDE FOR THE ESTABLISHMENT OF ANNUAL UNIFORM REIMBURSEMENT RATES FOR CERTAIN AGENCIES, TO PROVIDE FOR A CERTAIN SUPPLEMENTAL COMPONENT FOR CERTAIN AGENCIES AND TO PROVIDE FOR THE ESTABLISHMENT OF ANNUAL UNIFORM REIMBURSEMENT RATES FOR CERTAIN PROVIDERS ACCORDING TO A METHODOLOGY.

[S 1304](#), [S 1305](#), [S 1306](#), [S 1307](#), [S 1308](#), [S 1309](#), and [S 1310](#) were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

[S 1267](#), by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Kelly, by voice vote, the Senate adjourned at 2:49 p.m. until the hour of 11:30 a.m., Wednesday, February 3, 2010.

BRAD LITTLE, President

Attest: JEANNINE WOOD, Secretary